

**Thelen Reid & Priest LLP**  
Attorneys At Law

101 Second Street, Suite 1800  
San Francisco, CA 94105-3806  
Tel. 415.371.1200  
Fax 415.371.1211  
www.thelenreid.com

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 11 2004**

**F A X C O V E R P A G E**

Date: October 11, 2004

Total Pages: 18  
(including cover)To: Jong-Suk (James) (Lee,  
PTOFax: 703.872.9306  
Phone:

From: John K. Uilkema

Fax: 415.369.8789  
Phone: 415.369.7641  
E-Mail: juilkema@thelenreid.com**VIA FAX ONLY**

Application Control No. 10/724,265

Art Unit: 3673

Dear Mr. Lee:

Attached please find a draft of the claims I wish to discuss at our 10 a.m. interview on Thursday,  
October 14, 2004.

  
John K. Uilkema

In case of a problem with this transmission, please call the Fax Operator at 415.369.7159

JOB #	ATTORNEY #	CLIENT-MATTER	RETURN TO	ROOM #
	40539	035105/2	Carmella Giannelli	17-52

**IMPORTANT:** This fax transmission is intended only for the addressee. It contains information from the law firm of Thelen Reid & Priest LLP which may be privileged, confidential and exempt from disclosure under applicable law. Dissemination, distribution, or copying of this by anyone other than the addressee or the addressee's agent is strictly prohibited. If this transmission is received in error, please notify Thelen Reid & Priest LLP immediately at the telephone number indicated above. We will reimburse your costs incurred in connection with this erroneous transmission and your return of these materials. THANK YOU.

SF #892584 v1

1. (Currently Amended) A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:
  - a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said mats terminating at the face of the formation, with one of said transverse wires extending across the face; and
  - b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions thereof and spaced generally vertical wires welded to and extending across the transverse wires, the generally vertical wires of each successive face mat extending distally therefrom to provide fingers extending over transverse wires of the next successive face mat and behind the transverse wire of the soil reinforcing mat extending across the face between the successive face mats.
2. (Original) A structure according to Claim 1 wherein:
  - a) the successive soil reinforcing mats comprise a lowermost soil reinforcing mat, an uppermost soil reinforcing mat, and at least one intermediate soil reinforcing mat disposed between the lowermost and uppermost soil reinforcing mats; and
  - b) the face mat disposed between the lowermost soil reinforcing mat and the intermediate soil reinforcing mat immediately thereabove

includes distally extending fingers hooked behind the transverse wire of the lowermost soil reinforcing mat which extends across the face.

3. (Original) A structure according to Claim 1 wherein:
  - a) the successive soil reinforcing mats comprise a lowermost soil reinforcing mat, an uppermost soil reinforcing mat, and at least one intermediate soil reinforcing mat disposed between the lowermost and uppermost soil reinforcing mats; and
  - b) the face mat disposed between the uppermost soil reinforcing mat and the intermediate mat immediately therebelow includes distally extending fingers hooked behind the transverse wire of the uppermost soil reinforcing mat which extends across the face.
4. (Original) A structure according to Claim 1 wherein each successive soil reinforcing mat rests on a transverse wire of the face mat immediately therebelow.
5. (Currently Amended) A structure according to Claim 4 further comprising A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:
  - a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said mats terminating at the face of the formation, with one of said transverse wires extending across the face;
  - b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions

thereof and spaced generally vertical wires welded to and extending across the transverse wires, the generally vertical wires of each successive face mat extending distally therefrom to provide fingers extending over transverse wires of the next successive face mat and behind the transverse wire of the soil reinforcing mat extending across the face between the successive face mats, wherein each successive soil reinforcing mat rests on a transverse wire of the face mat immediately therebelow; and

- c) compressible support members interposed between the soil reinforcing mats and the transverse wires of the face mats upon which the soil reinforcing mats rest.

6. (Currently Amended) A structure according to Claim 4 wherein A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:

- a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said mats terminating at the face of the formation, with one of said transverse wires extending across the face;
- b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions thereof and spaced generally vertical wires welded to and extending across the transverse wires, the generally vertical wires of each successive face mat extending distally therefrom to provide fingers extending over transverse wires of the next successive face mat and

behind the transverse wire of the soil reinforcing mat extending across the face between the successive face mats, wherein:

- i) each successive soil reinforcing mat rests on a transverse wire of the face mat immediately therebelow; and
- ii) a transverse wire of each face mat is supported in spaced relationship to the soil reinforcing mat immediately therebelow by a frangible member adapted to release responsive to overloading.

- 7. (Original) A structure according to Claim 6 wherein the frangible member comprises a body having bifurcated ends engaged, respectively, with wires of each face mat and a wire of the soil reinforcing mat immediately therebelow.
- 8. (Original) A structure according to Claim 1 wherein at least certain of the face mats disposed between successive soil reinforcing mats are comprised of paired separate face mat elements secured one above the other in edge-to-edge relationship.
- 9. (Currently Amended) ~~A structure according to Claim 8, further comprising:~~  
A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:
  - a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said mats terminating at the face of the formation, with one of said transverse wires extending across the face;

- b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions thereof and spaced generally vertical wires welded to and extending across the transverse wires, the generally vertical wires of each successive face mat extending distally therefrom to provide fingers extending over transverse wires of the next successive face mat and behind the transverse wire of the soil reinforcing mat extending across the face between the successive face mats, wherein at least certain of the face mats disposed between successive soil reinforcing mat are comprised of paired separate face mat elements secured one above the other in edge-to-edge relationship;
- a) c) face stabilizing anchors embedded in the formation intermediate said at least certain successive soil reinforcing mats; and,
- b) d) means securing the paired separate face mat elements to the stabilizing anchors.

10. (Original) A structure according to Claim 9 wherein:

- a) the face stabilizing anchors comprise welded wire gridworks extending into the formation to a depth of one-half or less than that to which the reinforcing mats extend into the formation; and,
- b) the means securing the face mat elements to the stabilizing anchors comprise a transverse wire on each gridwork engaged over the face mat elements.

11. (Original) A structure according to Claim 8 wherein the paired face mat elements are secured in edge-to-edge relationship by fingers extending from the respective elements in interdigitating relationship to one another.

12. (Original) A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:
- a) successive soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being planar and comprised of spaced longitudinal elements extending into the formation and transverse elements secured to and extending across and the longitudinal elements at spaced intervals;
  - b) welded wire face mats disposed at the face of the formation between the successive soil reinforcing mats, at least certain of the face mats disposed between successive soil reinforcing mats being comprised of paired separate face mat elements secured one above the other in edge-to-edge relationship;
  - c) face stabilizing anchors embedded in the formation intermediate said at least certain successive soil reinforcing mats;
  - d) means securing the reinforcing mats to the face mats; and,
  - e) means securing the paired separate face mat elements to the stabilizing anchors.
13. (Original) A structure according to Claim 12, wherein:
- a) one of the transverse elements of at least certain of the soil reinforcing mats is disposed at the a distal end of the mat and extends across the face; and,
  - b) the means securing said at least certain soil reinforcing mats to the face mats comprises extensions on the face mats engaged behind the transverse elements at the distal ends of said certain soil reinforcing mats.
14. (Original) A structure according to Claim 12 wherein:

- a) the face stabilizing anchors comprise welded wire gridworks extending into the formation to a depth of one-half or less than that to which the reinforcing mats extend into the formation; and,
  - b) the means securing the face mat elements to the stabilizing anchors comprise a transverse wire on each gridwork engaged over portions of the separate face mat elements.
15. (Original) A structure according to Claim 12 wherein the paired separate face mat elements are secured in edge-to-edge relationship by fingers extending from each respective element and over the other element in interdigitating relationship to one another.
16. (Currently Amended) A structure for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said structure comprising:
- a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said longitudinal wires terminating at the face of the formation, with one of said transverse wires extending across the face;
  - b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions thereof and spaced generally vertical wires welded to and extending across the transverse wires, wherein each successive soil reinforcing



mat rests on a transverse wire at the upper portion of the face mat immediately therebelow; and,

c) means securing the reinforcing mats to the face mats.

17. (Currently Amended) ~~A structure according to Claim 16 further comprising~~  
A structure for retaining and reinforcing an earthen formation and securing  
a face of the formation against sloughing, said structure comprising:

a) successive welded wire soil reinforcing mats embedded in the  
formation at vertically spaced intervals, each said reinforcing mat  
being a planar and comprised of spaced longitudinal wires extending  
into the formation and transverse wires extending across and welded  
to the longitudinal wires at spaced intervals, said longitudinal wires  
terminating at the face of the formation, with one of said transverse  
wires extending across the face;

b) a welded wire face mat disposed at the face of the formation  
between each successive pair of soil reinforcing mats, each of said  
face mats comprising transverse wires at upper and lower portions  
thereof and spaced generally vertical wires welded to and extending  
across the transverse wires, wherein each successive soil reinforcing  
mat rests on a transverse wire at the upper portion of the face mat  
immediately therebelow;

c) means securing the reinforcing mats to the face mats; and

d) a compressible support member interposed between the soil  
reinforcing mats and the transverse wires of the face mats upon  
which the soil reinforcing mats rest.

18. (Currently Amended) ~~A structure according to Claim 16~~ A structure for  
retaining and reinforcing an earthen formation and securing a face of the  
formation against sloughing, said structure comprising:

- a) successive welded wire soil reinforcing mats embedded in the formation at vertically spaced intervals, each said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said longitudinal wires terminating at the face of the formation, with one of said transverse wires extending across the face;
  - b) a welded wire face mat disposed at the face of the formation between each successive pair of soil reinforcing mats, each of said face mats comprising transverse wires at upper and lower portions thereof and spaced generally vertical wires welded to and extending across the transverse wires, wherein each successive soil reinforcing mat rests on a transverse wire at the upper portion of the face mat immediately therebelow;
  - c) means securing the reinforcing mats to the face mats; and
  - d) wherein a transverse wire of each face mat is supported in spaced relationship to the soil reinforcing mat immediately therebelow by a frangible member adapted to release responsive to overloading.
19. (Original) A structure according to Claim 18 wherein the frangible member comprises a body having bifurcated ends engaged, respectively, with wires of each face mat and a wire of the soil reinforcing mat immediately therebelow.
20. (Currently Amended) A method for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said method comprising:
- a) placing a first welded wire soil reinforcing mat in a generally horizontal disposition at a foot portion of the formation, said reinforcing mat being generally horizontally disposed and of a planar

- configuration without upstanding portions at the face of the formation and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said longitudinal wires terminating at the face of the formation, with one of said transverse wires extending across the face;
- b) securing a first welded wire face mat behind the transverse wire of the first soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost transverse wires and spaced generally vertical wires welded to and extending across the transverse wires;
  - c) supporting the first face mat in a generally vertical disposition;
  - d) backfilling and compacting soil over the first soil reinforcing mat and against the first face mat;
  - e) placing a second welded wire soil reinforcing mat on the backfilled soil in a generally horizontal disposition with one end thereof engaged with the first face mat to restrain the first face mat against outward displacement, said second soil reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face;
  - f) securing a second welded wire face mat behind the transverse wire of the second soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost transverse wires and spaced generally vertical wires welded to and extending across the transverse wires thereof;
  - g) supporting the second face mat in a generally vertical disposition;
  - h) backfilling and compacting soil over the second soil reinforcing mat and against the second face mat; and,

- i) placing a third welded wire soil reinforcing mat on the soil backfilled over the second soil reinforcing mat so that one end of the third soil reinforcing mat is engaged with the second face mat to restrain the second face mat against outward displacement, said third soil reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face and in front of the second face mat.
21. (Original) A method according to Claim 20, further comprising providing fingers which extend distally from an upper edge of the first face mat and a lower edge of the second face mat, the fingers of the respective first and second face mats interdigitating in overlapping relationship when the second face mat is secured behind the transverse wire of the second soil reinforcing mat.
22. (Original) A method according to Claim 21 wherein:
- a) the fingers of the first face mat are inclined toward the formation and extend over the lowermost transverse wire of the second face mat;
  - b) the fingers of the second face mat are inclined toward the formation and extend over the uppermost transverse wire of the first face mat;
  - c) upon securing the second face mat behind the transverse wire of the first face mat the fingers on the first and second face mats function to incline the second face mat toward the formation; and,
  - d) backfilling of soil over the second soil reinforcing mat and compacting the soil against the second face mat functions to move the second face mat to a generally vertical disposition.

23. (Currently Amended) ~~A method according to Claim 20, further comprising~~  
A method for retaining and reinforcing an earthen formation and securing a  
face of the formation against sloughing, said method comprising:
- a) placing a first welded wire soil reinforcing mat in a generally  
horizontal disposition at a foot portion of the formation, said  
reinforcing mat being planar and comprised of spaced longitudinal  
wires extending into the formation and transverse wires extending  
across and welded to the longitudinal wires at spaced intervals, said  
longitudinal wires terminating at the face of the formation, with one  
of said transverse wires extending across the face;
  - b) securing a first welded wire face mat behind the transverse wire of  
the first soil reinforcing mat extending across the face of the  
formation, said face mat having uppermost and lowermost  
transverse wires and spaced generally vertical wires welded to and  
extending across the transverse wires;
  - c) supporting the first face mat in a generally vertical disposition;
  - d) backfilling and compacting soil over the first soil reinforcing mat and  
against the first face mat;
  - e) placing a second welded wire soil reinforcing mat on the backfilled  
soil in a generally horizontal disposition with one end thereof  
engaged with the first face mat to restrain the first face mat against  
outward displacement, said second soil reinforcing mat being  
generally horizontally disposed and of a planar configuration without  
upstanding portions at the face of the formation and comprised of  
intersecting longitudinal and transverse wires, with one transverse  
wire extending across the face;
  - f) securing a second welded wire face mat behind the transverse wire  
of the second soil reinforcing mat extending across the face of the  
formation, said face mat having uppermost and lowermost

transverse wires and spaced generally vertical wires welded to and extending across the transverse wires thereof;

- g) supporting the second face mat in a generally vertical disposition;
- h) backfilling and compacting soil over the second soil reinforcing mat and against the second face mat;
- i) placing a third welded wire soil reinforcing mat on the soil backfilled over the second soil reinforcing mat so that one end of the third soil reinforcing mat is engaged with the second face mat to restrain the second face mat against outward displacement, said third soil reinforcing mat being planar and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face and in front of the second face mat; and
- j) interposing compressible support members between the first soil reinforcing mat and the first face mat and between the second soil reinforcing mat and the second face mat.

24. (Currently Amended) ~~A method according to Claim 20, further comprising~~  
A method for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said method comprising:

- a) placing a first welded wire soil reinforcing mat in a generally horizontal disposition at a foot portion of the formation, said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said longitudinal wires terminating at the face of the formation, with one of said transverse wires extending across the face;
- b) securing a first welded wire face mat behind the transverse wire of the first soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost

- transverse wires and spaced generally vertical wires welded to and extending across the transverse wires;
- c) supporting the first face mat in a generally vertical disposition;
  - d) backfilling and compacting soil over the first soil reinforcing mat and against the first face mat;
  - e) placing a second welded wire soil reinforcing mat on the backfilled soil in a generally horizontal disposition with one end thereof engaged with the first face mat to restrain the first face mat against outward displacement, said second soil reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face;
  - f) securing a second welded wire face mat behind the transverse wire of the second soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost transverse wires and spaced generally vertical wires welded to and extending across the transverse wires thereof;
  - g) supporting the second face mat in a generally vertical disposition;
  - h) backfilling and compacting soil over the second soil reinforcing mat and against the second face mat;
  - i) placing a third welded wire soil reinforcing mat on the soil backfilled over the second soil reinforcing mat so that one end of the third soil reinforcing mat is engaged with the second face mat to restrain the second face mat against outward displacement, said third soil reinforcing mat being planar and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face and in front of the second face mat; and

- j) supporting the first face mat in spaced relationship to the first soil reinforcing mat and the second face in spaced relationship to the second soil reinforcing mat by frangible support members.
25. (Currently Amended) ~~A method according to Claim 20 wherein~~ A method for retaining and reinforcing an earthen formation and securing a face of the formation against sloughing, said method comprising:
- a) placing a first welded wire soil reinforcing mat in a generally horizontal disposition at a foot portion of the formation, said reinforcing mat being planar and comprised of spaced longitudinal wires extending into the formation and transverse wires extending across and welded to the longitudinal wires at spaced intervals, said longitudinal wires terminating at the face of the formation, with one of said transverse wires extending across the face;
  - b) securing a first welded wire face mat behind the transverse wire of the first soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost transverse wires and spaced generally vertical wires welded to and extending across the transverse wires;
  - c) supporting the first face mat in a generally vertical disposition;
  - d) backfilling and compacting soil over the first soil reinforcing mat and against the first face mat;
  - e) placing a second welded wire soil reinforcing mat on the backfilled soil in a generally horizontal disposition with one end thereof engaged with the first face mat to restrain the first face mat against outward displacement, said second soil reinforcing mat being generally horizontally disposed and of a planar configuration without upstanding portions at the face of the formation and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face;



- f) securing a second welded wire face mat behind the transverse wire of the second soil reinforcing mat extending across the face of the formation, said face mat having uppermost and lowermost transverse wires and spaced generally vertical wires welded to and extending across the transverse wires thereof;
  - g) supporting the second face mat in a generally vertical disposition;
  - h) backfilling and compacting soil over the second soil reinforcing mat and against the second face mat;
  - i) placing a third welded wire soil reinforcing mat on the soil backfilled over the second soil reinforcing mat so that one end of the third soil reinforcing mat is engaged with the second face mat to restrain the second face mat against outward displacement, said third soil reinforcing mat being planar and comprised of intersecting longitudinal and transverse wires, with one transverse wire extending across the face and in front of the second face mat; and
  - j) the first face mat comprises paired separate face mat elements secured one above the other in edge-to-edge relationship at a level intermediate the uppermost and lowermost transverse wires of the first face mat; and the method further comprises embedding a face stabilization anchor in the backfill intermediate the first and second soil reinforcing mats and securing the anchor to the paired face mat elements to maintain the elements in generally vertically aligned relationship.
26. (Original) A method according to Claim 25 wherein the face stabilizing anchor comprises a welded wire gridwork extending into the backfill to a depth of one-half or less that that to which the second reinforcing mat extends into the backfill.

27. (Original) A method according to Claim 25 wherein the backfilling and compacting of soil over the first soil reinforcing mat and against the first face mat is carried out in steps to first fill and compact soil to said intermediate level and then fill and compact soil to a level generally commensurate with that of the uppermost transverse wire of the first face mat.